

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**RRF BUILDING, LLC, and SOPHIE  
MARIE LANGFORD**

Plaintiff

Civil Action No. 1:23-CV-0341

v.

**EXCEL DEVELOPMENT GROUP,  
NETANEL INVEST USA, INC., and  
MICHAEL HELETZ,**

Electronically Filed

Defendant

**MOTION TO DISMISS COUNTS I AND III AND ALL COUNTS AGAINST  
DEFENDANT HELETZ**

Pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, Defendants Excel Development Group, Netanel Invest USA, Inc., and Michael Heletz, by their attorneys, respectfully move to dismiss Count III set forth in Plaintiff's Complaint, as well as all claims against Defendant Michael Heletz, in their entirety.

Count III of the Complaint purports to allege fraud against all Defendants. Count III fails to state a claim for fraud, Plaintiff has not adequately set forth with particularity the allegations of fraud, and the claim is barred by the gist of the action doctrine.

In addition, Plaintiffs' Complaint fails to state claims against Michael Heletz in his individual capacity, and fails to include allegations sufficient to warrant piercing the corporate veil.

The grounds for this Motion will be further set forth in a brief, in accordance with Local Rule 7.5.

Respectfully Submitted,

BARLEY SNYDER

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*/s/ Joshua L. Schwartz*

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